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*Counsel for TransCanada Keystone Pipeline, LP and TransCanada Corporation*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

INDIGENOUS ENVIRONMENTAL  
NETWORK, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
STATE, *et al.*,

Federal Defendants,

and

TRANSCANADA CORPORATION, *et al.*,

Defendant-Intervenors.

CV 17-29-GF-BMM

**DEFENDANT-INTERVENORS'  
MOTION FOR STAY PENDING  
APPEAL**

## **MOTION**

Pursuant to Rule 62(c), Defendant-Intervenors TransCanada Keystone Pipeline, LP and TransCanada Corporation (collectively, TransCanada) respectfully request that the Court stay its November 8, 2018 Order (Doc. 218) and November 15, 2018 Order (Doc. 219) granting summary judgment to Plaintiffs and enjoining any activity in furtherance of construction or operation of the Keystone XL Pipeline Project (Keystone XL), as well as the Court's December 7, 2018 Supplemental Order Regarding Permanent Injunction (Doc. 232) that prohibited TransCanada from conducting certain preconstruction activities while TransCanada pursues an appeal. TransCanada respectfully requests that the Court rule on this motion on or before January 7, 2019, so that if needed, TransCanada may pursue relief in the Ninth Circuit with the goal of preserving the 2019 construction season.

As set forth in TransCanada's Memorandum in Support accompanying this motion, TransCanada is likely to prevail on the merits of its appeal. Absent a stay of the permanent injunction, TransCanada will continue to suffer irreparable harm. Additionally, the current injunction impedes, among other things, the United States' interest in energy security and a strong bilateral relationship with Canada. A stay of the permanent injunction best serves the public interest and will not substantially injure Plaintiffs.

Pursuant to Local Rule 7.1(c)(1), counsel for TransCanada contacted counsel for the parties regarding the filing of this motion. Plaintiffs Indigenous Environmental Network and North Coast River Alliance indicated they oppose this motion. Federal Defendants indicated that they do not oppose this motion. TransCanada attempted to contact Plaintiffs Northern Plains Resource Council, Bold Alliance, Center for Biological Diversity, Friends of the Earth, Natural Resources Defense Council, and Sierra Club, but were unable to reach Plaintiffs' counsel. TransCanada believes that those Plaintiffs will oppose this motion.

Respectfully submitted this 21st day of December 2018.

CROWLEY FLECK PLLP

/s/ Jeffery Oven

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 21, 2018, a copy of the foregoing motion was served on all counsel of record via the Court's CM/ECF system.

/s/ Jeffery Owen